

/Coat of arms of the Russian Federation/

**RULING
OF THE PLENARY SESSION
OF THE SUPREME COURT
OF THE RUSSIAN FEDERATION**

No. 2

In the city of Moscow

On May 27, 2025

**On Amendments to Certain Rulings of the Plenary Session of the
Supreme Court of the Russian Federation on Criminal Matters**

In connection with changes in legislation, as well as issues arising in judicial practice, the Plenary Session of the Supreme Court of the Russian Federation, guided by Article 126 of the Constitution of the Russian Federation, Articles 2 and 5 of Federal Constitutional Law of 5 February 2014 No. 3-FKZ "On the Supreme Court of the Russian Federation", resolves to amend the following rulings of the Plenary Session of the Supreme Court of the Russian Federation:

1. In Ruling of the Plenary Session of the Supreme Court of the Russian Federation No. 11 dated 14 June 2012 "On Consideration by Courts of Matters Connected with Extradition for Criminal Prosecution or Execution of a Sentence, as well as Handing Over to Serve a Sentence" (as amended by rulings of the Plenary Session of the Supreme Court of the Russian Federation of December 19, 2013 No. 41, and of March 3, 2015 No. 9):

- 1) In the preamble:
 - a) Delete paragraph two;
 - b) Paragraphs three and four shall be considered to be paragraphs two and three;
 - c) In paragraph three, the words "by Articles 9 and 14 of the Federal Constitutional Law "On Courts of General Jurisdiction in the Russian Federation", resolves:" shall be replaced by the words "by Articles 2 and 5 of the Federal Constitutional Law of February 5, 2014 No. 3-FKZ "On the Supreme Court of the Russian Federation" resolves to give the courts the following clarifications.";

2) In Item 2:

a) The second sentence of paragraph one shall be added with the following footnote:

¹The texts of international treaties of the Russian Federation can be posted on the Official Internet Portal of Legal Information (www.pravo.gov.ru), published in the Corpus of Legislation of the Russian Federation, the Bulletin of International Treaties, or in other official editions.

The list of states parties to a multilateral international treaty of the Russian Federation is posted on the official website of the depository of the relevant international treaty of the Russian Federation, for example, eccis.org/reestr2,treaties.un.org;

b) Paragraph three shall be added with the words " (hereinafter – the European Convention on Extradition)" after the words "The European Convention on Extradition of 13 December 1957";

c) Paragraph four shall be added with the words "and statements" after the words "subject to reservations";

3) In Item 3, the words " the Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950" shall be replaced by the words "Convention on Human Rights and Fundamental Freedoms of the Commonwealth of Independent States of 26 May 1995";

4) In Item 6, the words "is subject to extradition" shall be replaced by the words "may be extradited";

5) In Item 11, the words "Article 2 of the Convention for the Protection of Human Rights and Fundamental Freedoms, as interpreted by the European Court of Human Rights," shall be deleted;

6) In paragraph two of Item 12:

a) The words "in accordance with Article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms, as interpreted by the European Court of Human Rights," shall be deleted;

b) The word "includes" shall be replaced by the words "should include";

7) In Item 13, the words "Article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms" shall be replaced by the words "Article 7 of the International Covenant on Civil and Political Rights";

8) In paragraph three of Item 14, the words "; the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, operating in fulfilment of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment of 26 November 1987, etc." shall be deleted;

9) In Item 15:

a) In the first sentence, the words ", and Provision 1 of Article 5 of the Convention for the Protection of Human Rights and Fundamental Freedoms" shall be deleted;

b) In the second sentence, the words "and bail" shall be replaced by the words "bail, and prohibition of certain actions";

10) In Item 18, paragraphs four and five shall be revised to read as follows:

"a petition for detention containing the information specified in an international treaty of the Russian Federation (for example, in Article 70 of the Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters of 7 October 2002 (hereinafter referred to as the Convention on Legal Assistance of 2002), in Article 61 of the Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters of 22 January 1993 (hereinafter referred to as the Convention on Legal Assistance of 1993), if the requesting state is party to the given international treaty;

a decision on detention as a measure of restraint in connection with the declaration of a person on an international (interstate) wanted list or a sentence that has entered into legal force, provided for, for example, in Article 70 of the Convention on Legal Assistance of 2002, Article 61.1^{of} the Convention on Legal Assistance of 1993, if the requesting state is party to the Protocol to this Convention signed on 28 March 1997 (hereinafter referred to as the Protocol of 1997);";

11) In Item 19:

a) Paragraph one shall be revised to read as follows:

«19. To draw the attention of courts to the fact that, in accordance with paragraph "b" of Article 75 of the Convention on Legal Assistance of 2002, a person should not be detained for more than forty days before an extradition request is received. By virtue of Article 62, Item 1 of the Convention on Legal Assistance of 1993, a person should not be detained for more than one month before an extradition request is received. If the requesting state is party to the Protocol of 1997, the given period may not exceed forty days.";

b) In the second sentence of paragraph two, the words "an international treaty" shall be replaced by the words "another international treaty";

12) In the first sentence of Item 24:

a) The words "in accordance with Article" shall be replaced by the words "based on the provisions of Article";

b) The words "in consideration of Article 13 of the Convention for the Protection of Human Rights and Fundamental Freedoms," shall be deleted;

13) In Item 26, the words ", Articles 3 and 13 of the Convention for the Protection of Human Rights and Fundamental Freedoms" shall be deleted;

14) Item 27 shall be deleted;

15) In the first sentence of Item 30, the words ", Provision 2 of Article 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms" should be deleted;

16) Item 32 shall be revised to read as follows:

«32. When considering issues related to handing over a person sentenced to custody, courts should take into account the minimum time left to serve as set as a condition for handing over by an international treaty of the Russian Federation or an agreement by competent bodies of the Russian Federation and of a foreign state, if the individual is handed over on the basis of the principle of reciprocity.";

17) Add Item 32¹ as follows:

«32¹. To recommend that courts, considering the provisions of bilateral and

multilateral international treaties of the Russian Federation in force in the field of consular relations (for example, the Vienna Convention on Consular Relations of 24 April 1963, the Consular Convention between the Russian Federation and the Kyrgyz Republic of 25 January 1994), as an additional guarantee of ensuring the rights and interests of a person sentenced to custody, discuss the issue of the need to notify the consular office (consular department of the embassy) of the corresponding state about the consideration of the files related to handing over this person to serve the sentence in that state.";

18) Item 36 shall be revised to read as follows:

«36. Proceeding from, in particular, the provisions of Article 12 of the Convention on the Transfer of Sentenced Prisoners to Continue Serving a Custodial Sentence, incomparability of the conditions and manner for the convicted person to serve a custodial sentence, being, in accordance with Article 471 of the CrPC RF, one of the grounds for refusing to hand him/her over, are understood as such differences in the conditions and the manner of serving a sentence in the administering state and the Russian Federation that preclude achieving the purpose of the punishment: restoration of social, correction of the sentenced person and prevention of new crimes (Article 43 of the CrC RF), and do not ensure the continuation of serving the sentence in accordance with the legislation of the administering state without worsening the situation of the sentenced person.

In each specific case, the court must establish the circumstances connected with the manner and conditions for serving a sentence in the administering state. Whereat, absence in a foreign state of the specific type of correctional facility appointed for the sentenced person by a court of the Russian Federation, as well as differences, for example, in the rules for crediting the period of application of a measure of restraint for time served, the procedure for parole from serving a sentence, the number of short-term and long-term visits, allowed care packages and parcels provided for by law in the Russian Federation and the administering state for serving a sentence in correctional facilities of different types (regimes), should not dictate refusal to transfer him/her.";

19) In Item 37, the sentence "The maximum custodial term envisaged by the legislation of the administering state should not be clearly incomparable with the term of the sentence handed down by the court of the Russian Federation." shall be deleted;

20) Appendix to Ruling of the Plenary Session of the Supreme Court of the Russian Federation No. 11 dated 14 June 14 2012 "On Consideration by Courts of Matters Connected with Extradition for Criminal Prosecution or Execution of a Sentence, as well as Handing Over to Serve a Sentence" shall be deleted.

2. Ruling of the Plenary Session of the Supreme Court of the Russian Federation No. 22 dated 27 June 2023 "On the Application by Courts of the Provisions of the Criminal Procedure Code of the Russian Federation Regulating the Jurisdiction of a Criminal Case" shall be supplemented with Items 18 and 19 as follows:

"18. According to the provisions of Part 3 of Article 389² and Part 1 of Article 391 of the CrPC RF, a ruling by a judge of a higher court to grant a petition (submission) for change of territorial jurisdiction may be appealed before a final court decision is made on the case, and a criminal case is subject to referral to the relevant court only after the said ruling has entered into legal force.

19. A decision by a judge (court) to reject a petition for transferring a criminal case according to jurisdiction, filed by a party based on Article 34 of the CrPC RF, as well as a ruling by a judge of a higher court to reject a petition for changing the territorial jurisdiction of a case (parts 1–3 of Article 35 of the CrPC RF) do not entail consequences that go beyond the scope of merely criminal procedural relations, do not limit the constitutional rights and freedoms of an individual, and do not cause them harm, which may subsequently prove to be irreparable, and therefore do not require immediate review by a higher court. Proceeding from that and according to the meaning of the related provisions of Parts 2 and 3 of Article 389² of the CrPC RF, such interim court decisions are not subject to independent appeal. However, the issue of the legality of the panel of judges in the said cases may be raised by the parties when appealing the final court decision.".

Chief Justice of the Supreme Court of the
Russian Federation

I.L. Podnosova

Secretary of the Plenary Session,
Judge of the Supreme Court of the
Russian Federation

V.V. Momotov